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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,672	03/24/2004	Mark D'Andreta	9872-000005	4333
27572 7590 09/19/2007 HARNESS, DICKEY & PIERCE, P.L.C. P.O. BOX 828 BLOOMFIELD HILLS, MI 48303			EXAMINER MAI, TRI M	
			ART UNIT 3781	PAPER NUMBER
			MAIL DATE 09/19/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/807,672	Applicant(s) D'ANDRETA, MARK	
	Examiner Tri M. Mai	Art Unit 3781	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 20-29 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 20-29 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>12/04/06</u> . | 6) <input type="checkbox"/> Other: ____. |

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The election as set forth in the previous Office Action is withdrawn in view of the cancellation of the non-elected claims.

1. Claims 1, 2, 7, 9, 22-25 are rejected under 35 U.S.C. 102 (b) as being anticipated by Hucknall (2583270), or in the alternative, under 35 U.S.C. 103(a) as being unpatentable over Hucknall. Hucknall teaches a band portion 13 circumferentially surrounding a substantial portion of the watch, the band portion including first and second free ends, a transparent window 7 interconnecting the free ends of the band portion. It is noted that the term band portion is defined as the only main band portion 13 in Hucknall. This main band portion has two ends connected by the transparent portion 7 as claimed.

2. Claims 1, 2, 7, 9, 20, 21, 22, 23, 24, 25 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Hucknall. Regarding claim 1, to the degree it is argued that Hucknall does not teach the interconnecting of the first and second free ends, it would have been obvious to one of ordinary skill in the art to provide the transparent window extending completely across the width of the band to provide the desired area for viewing.

Regarding claim 21, it would have been obvious for one of ordinary skill in the art to provide the dimension as claimed to provide the desired size for the user.

3. Claim 3 and 4 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Hucknall rejections as set forth in paragraphs 1 and 2, and further in view of Brady (5704067). It would have been obvious for one of ordinary skill in the art to provide absorbing foam material as taught by Brady, col. 2, ln. 20-22, to provide the desired material for the device.

4. Claims 5, 10, 20-29 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Hucknall rejections as set forth in paragraphs 1 and 2, and further in view of Lerro (4078660).

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Lerro teaches that it is known in the art to provide heat seal for an arm band, 43, and 19. It would have been obvious for one of ordinary skill in the art to provide heat seal to attach the plastic material to the band to provide an alternative means for attaching the plastic material to the band.

5. Claims 26-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Hucknall rejection as set forth in paragraph 4, and further in view of Brady (5704067). To the degree it is argued that the elastic band in Hucknall is not absorbable. It would have been obvious for one of ordinary skill in the art to provide absorbing foam material as taught by Brady, col. 2, ln. 20-22, to provide the desired material for the device.

6. Claim 6 is rejected under 35 U.S.C. 103 (a) as being unpatentable over Hucknall rejections as set forth in paragraphs 1 and 2, and further in view of Worth (5924135) or Karpf (1857195). It would have been obvious for one of ordinary skill in the art to provide clear plastic film as taught by either Worth or Karpf to provide the desired material for covering the watch.

7. Claim 8 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Hucknall rejection, as set forth in paragraph 6 above, and further in view of Brady and Lerro. It would have been obvious for one of ordinary skill in the art to provide heat seal to attach the plastic material to the band to provide an alternative means for attaching the plastic material to the band.

It would have been obvious for one of ordinary skill in the art to provide absorbing foam material as taught by Brady, col. 2, ln. 20-22, to provide the desired material for the device.

8. Claims 1, 2, 3, 6, 7, 9, 10, 20, and 22-24 are rejected under 35 U.S.C. 102 (b) as being anticipated by Tsui (608549). Tsui teaches a device with a band portion and a transparent window 10a (col. 3, ln. 7).

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9. Claim 21 is rejected under 35 U.S.C. 103 (a) as being unpatentable over Tsui. It would have been obvious for one of ordinary skill in the art to provide the dimension as claimed to provide the desired size for the band.

10. Claims 4, and 25 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Tsui in view of Brady (5704067). It would have been obvious for one of ordinary skill in the art to provide absorbing foam material as taught by Brady, col. 2, ln. 20-22, to provide the desired material for the band.


11. Claims 26, 27, and 29 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Tsui in view of DeWoskin (4606079). DeWoskin teaches that it is known in the art to provide heat seal for attaching the end of a strap, col. 5, ln. 25-32). It would have been obvious for one of ordinary skill in the art to provide heat seal for attaching the two ends of the strap to the device to provide the desired attachment to the device.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri M. Mai whose telephone number is (571)272-4541. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached on (571)272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tri M. Mai 
Primary Examiner
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